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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,929	07/11/2003	Ying-Chuan Tsai	LA-7196-108XX	6657
167	7590	04/13/2007	EXAMINER	
FULBRIGHT AND JAWORSKI LLP 555 S. FLOWER STREET, 41ST FLOOR LOS ANGELES, CA 90071			WANG, LIANGCHE	
		ART UNIT	PAPER NUMBER	
		2155		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/13/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/618,929	TSAI, YING-CHUAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Liang-che Alex Wang	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. Claims 1-18 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-5, 9-14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens, US Patent Number 6,826,707, hereinafter Stevens, in views of Danialy et al., US Patent Number 6,961,871, hereinafter Danialy.
4. Referring to claim 1, Stevens teaches a network-based computer platform external access method (Col 2 lines 64-67) for use on a computer platform (local RDR computer 20, figure 2) for the purpose of externally controlling the computer platform (Col 2 lines 60-67, local RDR computer is accessed and controlled by a remote computer operated by a technician); the network-based computer platform external access method (Col 2 lines 64-67) comprising:
  - a. establishing a network system (figure 2, Col 6 lines 40-67);
  - b. establishing a server (communication server 68) for serving up a procedure description file (diagnostic application corresponds to the “procedure description file”) via the network system (Col 14 lines 23-40, an appropriate version of the

diagnostic application is downloaded from the server to the local RCR computer); and

- c. establishing a terminal monitoring platform (remote RDR workstation 40) equipped with a set of I/O devices (I/O devices 42 and 44) and linked via a data communication interface (network hardware communication unit 69) to the computer platform (local RDR computer 20) and via the network system (figure 2) to the server (communication server 68)(Col 6 lines 40-67, remote RDR workstation 40 equipped with I/O devices and linked via communication unit 69 to local RDR computer 20 and via network system to communication server 68);
- d. wherein the terminal monitoring platform (remote RDR computer 40) is capable of being linked via the data communication interface ((network hardware communication unit 69) to the computer platform (local RDR computer 20) to allow an external access to the computer platform (Col 6 lines 59-64, and Col 2 lines 60-67, local RDR computer 20 is remotely (external) accessed by the remote RDR workstation to perform data recovery); and
- e. wherein the terminal monitoring platform (remote RDR computer 40) is further capable of being linked via the network system (figure 2) to the server (communication server 68) to download the procedure description file (diagnostic application ) from the server, and transferring the procedure description file via the data communication interface (communication unit 69) to the computer platform (local RDR computer)(Col 14 lines 24-33, remote RDR workstation 40 causes 40 causes the diagnostic application to be downloaded from the communication server and to be transferred to the local RDR computer 20) where

the procedure description file is executed to allow an externally-monitored auto operational procedure on the computer platform (Col 14 lines 33-38, the diagnostic application is activated (executed) and performs diagnosis of the data recovery situation at the RDR local computer 20).

Stevens does not teach where the procedure description file contains user-predefined command.

Danialy teaches a diagnosis request is made by instructions programmed into a user defined program to instruct the server to diagnose the system (Col 10 lines 53-62).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the program of Danialy which contains the user-predefined instructions (instructions programmed into the user defined program corresponds to the “user-predefined instructions” when the instruction is extracted from the user defined program) to be the diagnostic application of Stevens because Stevens teaches a remote data recovery system which performs the system diagnosis by using a diagnostic application (Stevens Col 14 lines 24-40), and Danialy suggests a automatic diagnosis request made by a application (user defined program) containing instructions to instruct the server to diagnose the system (Col 10 lines 53-62). Both Stevens and Danialy teaches system diagnosis.

A person with ordinary skill in the art would have been motivated to make the modification to Steven because having the user predefined command stored in the procedure description file would allow automatic diagnosis, access and controlling which facilitates the diagnosing test result as taught by Danialy (Col 14 lines 39-48, and Col 1 lines 59-63).

5. Referring to claim 2, Stevens as modified teaches the network-based computer platform external access method of claim 1, wherein the network system is Internet (Col 6 lines 54-56, figure 2).
6. Referring to claim 3, Stevens as modified teaches the network-based computer platform external access method of claim 1, wherein the network system is a LAN system (Col 6 lines 54-56, figure 2).
7. Referring to claim 4, Stevens as modified teaches the network-based computer platform external access method of claim 1, wherein the network system is an intranet system (Col 6 lines 54-56, figure 2, LAN corresponds to the “intranet system”).
8. Referring to claim 5, Stevens as modified teaches the network-based computer platform external access method of claim 1, wherein the network system is an extranet system (Col 6 lines 54-56, figure 2, LAN corresponds to the “extranet system”).
9. Referring to claim 9, Stevens as modified teaches network-based computer platform external access method of claim 1, wherein the procedure description file is a test-procedure description file containing a sequence of user-predefined test procedures (Danialy, Col 10 lines 53-62, teaches a diagnosis request is made by instructions programmed into a user defined program to instruct the server to diagnose the system. The instructions correspond to the “sequence of user-predefined test procedures”; also see rejection provided to claim 1).
10. Referring to claim 10, Stevens teaches a network-based computer platform external access system (Col 2 lines 64-67 and figure 2) for use with a computer platform (local RDR computer 20, figure 2) for the purpose of externally controlling the computer platform (Col 2 lines 60-67, local RDR computer is accessed and controlled by a remote

computer operated by a technician); the network-based computer platform external access system (Col 2 lines 64-67; figure 2) comprising:

- a. a network system (figure 2, Col 6 lines 40-67);
- b. a server (communication server 68), which is linked to the network system (figure 2), for serving up a procedure description file (diagnostic application corresponds to the "procedure description file") via the network system (Col 14 lines 23-40, an appropriate version of the diagnostic application is downloaded from the server to the local RCR computer); and
- c. a terminal monitoring platform (remote RDR workstation 40), which is equipped with a set of I/O devices (I/O devices 42 and 44) and linked via a data communication interface (network hardware communication unit 69) to the computer platform (local RDR computer 20) and via the network system (figure 2) to the server (communication server 68)(Col 6 lines 40-67, remote RDR workstation 40 equipped with I/O devices and linked via communication unit 69 to local RDR computer 20 and via network system to communication server 68);
- d. wherein the terminal monitoring platform (remote RDR computer 40) is capable of being linked via the data communication interface ((network hardware communication unit 69) to the computer platform (local RDR computer 20) to allow an external access to the computer platform (Col 6 lines 59-64, and Col 2 lines 60-67, local RDR computer 20 is remotely (external) accessed by the remote RDR workstation to perform data recovery); and
- e. wherein the terminal monitoring platform (remote RDR computer 40) is further capable of being linked via the network system (figure 2) to the server

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(communication server 68) to download the procedure description file (diagnostic application ) from the server, and transferring the procedure description file via the data communication interface (communication unit 69) to the computer platform (local RDR computer)(Col 14 lines 24-33, remote RDR workstation 40 causes 40 causes the diagnostic application to be downloaded from the communication server and to be transferred to the local RDR computer 20) where the procedure description file is executed to allow an externally-monitored auto operational procedure on the computer platform (Col 14 lines 33-38, the diagnostic application is activated (executed) and performs diagnosis of the data recovery situation at the RDR local computer 20).

Stevens does not teach where the procedure description file contains user-predefined command.

Danialy teaches a diagnosis request is made by instructions programmed into a user defined program to instruct the server to diagnose the system (Col 10 lines 53-62).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the program of Danialy which contains the user-predefined instructions (instructions programmed into the user defined program corresponds to the "user-predefined instructions" when the instruction is extracted from the user defined program) to be the diagnostic application of Stevens because Stevens teaches a remote data recovery system which performs the system diagnosis by using a diagnostic application (Stevens Col 14 lines 24-40), and Danialy suggests a automatic diagnosis request made by a application (user defined program) containing instructions to

instruct the server to diagnose the system (Col 10 lines 53-62). Both Stevens and Danialy teaches system diagnosis.

A person with ordinary skill in the art would have been motivated to make the modification to Stevens because having the user predefined command stored in the procedure description file would allow automatic diagnosis, access and controlling, which facilitates the diagnosing test result as taught by Danialy (Col 14 lines 39-48, and Col 1 lines 59-63).

11. Referring to claim 11, Stevens as modified teaches the network-based computer platform external access system of claim 10, wherein the network system is Internet (Col 6 lines 54-56, figure 2).
12. Referring to claim 12, Stevens as modified teaches the network-based computer platform external access system of claim 10, wherein the network system is a LAN system (Col 6 lines 54-56, figure 2).
13. Referring to claim 13, Stevens as modified teaches the network-based computer platform external access system of claim 10, wherein the network system is an intranet system (Col 6 lines 54-56, figure 2, LAN corresponds to the “intranet system”).
14. Referring to claim 14, Stevens as modified teaches the network-based computer platform external access system of claim 10, wherein the network system is an extranet system (Col 6 lines 54-56, figure 2, LAN corresponds to the “extranet system”).
15. Referring to claim 18, Stevens as modified teaches the network-based computer platform external access system of claim 10, wherein the procedure description file is a test-procedure description file containing a sequence of user-predefined test procedures (Danialy, Col 10 lines 53-62, teaches a diagnosis request is made by instructions

programmed into a user defined program to instruct the server to diagnose the system.

The instructions correspond to the “sequence of user-predefined test procedures”; also see rejection provided to claim 1).

16. Claims 6-8 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens, US Patent Number 6,826,707, hereinafter Stevens, in views of Danialy and in further views of Eady et al., US Patent Number 6,304,788, hereinafter Eady.

17. Referring to claims 6-8, Stevens as modified teaches the network-based computer platform external access method of claim 1, but does not explicitly teach wherein the data communication interface is a serial interface (limitation of claim 6), a parallel interface (limitation of claim 7), or a USB interface (limitation of claim 8).

Eady teaches a communications interface includes communication ports such as serial ports, parallel ports, and USB ports (Col 3 lines 52-58).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the communication interfaces of Eady into Stevens' system because both Stevens and Eady teaches data communication among network nodes via a communication device (unit 69, figure 2 of Stevens; and unit 133, figure 1 of Eady)

A person with ordinary skill in the art would have been motivated to make the modification to Stevens because having the network communication interface which includes communication ports such as serial ports, parallel ports, and USB ports, would allow the system to be connected to a wide ranges of remote devices with high compatibilities and flexibility as taught by Eady (Col 3 lines 52-58, Col 2 lines 29-41).

18. Referring to claims 15-17, Stevens as modified teaches the network-based computer platform external access system of claim 9, but does not explicitly teach wherein the data communication interface is a serial interface (limitation of claim 15), a parallel interface (limitation of claim 16), or a USB interface (limitation of claim 17).

Eady teaches a communications interface includes communication ports such as serial ports, parallel ports, and USB ports (Col 3 lines 52-58).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the communication interfaces of Eady into Stevens' system because both Stevens and Eady teaches data communication among network nodes via a communication device (unit 69, figure 2 of Stevens; and unit 133, figure 1 of Eady)

A person with ordinary skill in the art would have been motivated to make the modification to Stevens because having the network communication interface which includes communication ports such as serial ports, parallel ports, and USB ports, would allow the system to be connected to a wide ranges of remote devices with high compatibilities and flexibility as taught by Eady (Col 3 lines 52-58, Col 2 lines 29-41)..

### *Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

20. Greenberg et al., US Patent Number 7,158,965, teaches a method for proving helping content corresponding to the occurrence of an event within a computer, and a server maintains a remote control file.
21. Amado, US Patent Number 5,537,590, teaches apparatus for applying analysis rules to data sets in a relational database to generate a database of diagnostic records linked to the data sets.
22. Lu et al., US Publication Number 2007/0002730, teaches a computer platform system program remote recovery control method and system.
23. Mizoguchi, US Patent Number 6,961,764, teaches a distributed computer system and method of applying maintenance thereto.
24. Gartner et al., US Patent Number 6,393,435, teaches a method for evaluating the performance of a database system reference files external to the database system.
25. Osborn, US Patent Number 6,760,728, teaches a communication interface 108 could be a serial, parallel or USB port.
26. Hunt et al., US Patent Number 6,760,804, teaches a communication interface 108 could be a serial, parallel or USB port.
27. Araujo et al., US Patent Number 6,981,041, teaches a remote monitoring system where a user can access network based applications remotely.
28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

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29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang  
April 3, 2007

*Liang W*